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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,457	06/28/2001	Kenichi Sameshima	010825	2154

23850 7590 08/01/2003

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EXAMINER

SHOSHO, CALLIE E

ART UNIT	PAPER NUMBER
1714	

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,457

Applicant(s)

SAMESHIMA ET AL.

Examiner

Callie E. Shosho

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. All outstanding rejections except for those described below are overcome by applicants' amendment filed 6/6/03.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-2 and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerber (U.S. 5,294,649).

The rejection is adequately set forth in paragraph 4 of the office action mailed 11/6/02, Paper No. 4, and is incorporated here by reference.

4. Claims 1-2 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Engen et al. (U.S. 5,551,961).

The rejection is adequately set forth in paragraph 5 of the office action mailed 11/6/02, Paper No. 4, and is incorporated here by reference.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper (U.S. 2,869,194) in view of Meyer (U.S. 4,264,760).

The rejection is adequately set forth in paragraph 8 of the office action mailed 11/6/02, Paper No. 4, and is incorporated here by reference.

Response to Arguments

7. Applicants' arguments filed 6/6/03 have been fully considered but they are not persuasive.

Specifically, applicants argue that:

- (a) There is no disclosure of ammonium thiosulfate in Gerber.
- (b) There is no disclosure of ammonium thiosulfate in Engen et al.
- (c) Engen et al. disclose the use of $AlCl_3$, which is not used in the present invention.
- (d) There is no motivation to combine Cooper with Meyer given that Meyer does not disclose use of ammonium thiosulfate in resole resin composition and further given that there is no motivation to combine the references.

With respect to argument (a), it is noted that Gerber discloses the use of accelerators to accelerate the hardening of the phenolic resole resin. Gerber discloses that one type of effective accelerator is compound that dissociates in water to provide anions and that the anions include thiosulfate (col.12, lines 45-53). Further, col.11, lines 56-61 of Gerber disclose that the cations for this compound include ammonium. Thus, it is the examiner's position that Gerber does disclose the use of ammonium thiosulfate.

Art Unit: 1714

With respect to argument (b), it is noted that col.12, line 15 of Engen et al. disclose the use of ammonium thiosulfate.

With respect to argument (c), it is agreed that Engen et al. requires the use of AlCl_3 , however, in light of the open language of the present claims, i.e. "comprising", it is clear that the present claims are open to the use of additional ingredients including AlCl_3 as disclosed by Engen et al.

With respect to argument (d), it is noted that Meyer discloses the use of ammonium thiosulfate in combination with resin composition comprising phenol-formaldehyde. In the present invention, the claimed resole resins include phenol-formaldehyde (page 3, lines 24-27). Thus, it is clear that the broad disclose of phenol-formaldehyde in Meyer encompasses the resole resin presently claimed.

Further, given that Cooper discloses composition comprising phenol-formaldehyde resole resin and given that Meyer discloses using 0.3-30% ammonium thiosulfate with phenol-formaldehyde in order to reduce the release and odor of formaldehyde while producing composition with optimum properties, it is the examiner's position that there is motivation to combine Cooper with Meyer.


8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 703-305-0208. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Callie E. Shosho
Primary Examiner
Art Unit 1714

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July 30, 2003